

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
COMMODITY SOLUTIONS, LLC,	§	Bankruptcy Case No. 08-33986
Debtor	§	

COMMODITY SOLUTIONS, LLC,	§	
and LOWELL T. CAGE, Trustee,	§	
Plaintiffs,	§	Adversary No. 08-3264

v.	§	
	§	
MAERSK LINE, LTD.,	§	CIVIL ACTION NO. H-09-1401
Defendant.	§	

MEMORANDUM AND ORDER


This Bankruptcy Adversary Case is before the Court on the Unopposed Motion for Withdrawal of the Reference [Doc. # 2], which United States Bankruptcy Judge Marvin Isgur recommends be granted. *See* Report and Recommendation [Doc. # 1]. Maersk Line, Ltd. (“Maersk”) argues that the Court should withdraw the reference to the Bankruptcy Court because the adversary case should be consolidated into *James J. Flanagan Shipping Corp. v. Maersk Constellation, et al.*, Civil Action H-08-0999 (“*Flanagan* case”), currently pending in the District Court. Maersk also argues that the Court should withdraw the reference because it is entitled to a jury trial which the Bankruptcy Court cannot provide absent Maersk’s consent. The Court has reviewed

the record and the applicable legal authorities. For the reasons set forth in the Report and Recommendation, the Court agrees with Maersk and Judge Isgur that the reference should be withdrawn to allow Maersk to file a Motion to Consolidate in the *Flanagan* case and to provide a jury trial should trial be necessary. Accordingly, it is hereby

ORDERED that the Unopposed Motion for Withdrawal of the Reference [Doc. # 2] is **GRANTED** and the reference of Adversary Proceeding No. 08-3264 is **WITHDRAWN**. It is further

ORDERED that counsel for Maersk is directed to file a Motion to Consolidate in the *Flanagan* case by **May 22, 2009**. If the Motion to Consolidate is not filed or is denied, the Court will refer all pretrial matters in this case to the Bankruptcy Court.

SIGNED at Houston, Texas, this 12th day of **May, 2009**.


Nancy F. Atlas
United States District Judge